

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

August 01, 2023

Nathan Ochsner, Clerk

DRAGON STONE ENERGY LTD.,

卷之三

Plaintiff,

V.

CASE NO. 4:23-CV-02721

**BINDER SCIENCE, LLC and
THOMAS HYNAN WENTZLER,**

238

Defendants.

TEMPORARY RESTRAINING ORDER

On this day, the Court considered Plaintiff, DRAGON STONE ENERGY LTD.'s ("DSE"), application for temporary restraining order. Having considered the pleadings and evidence on file with the court, this Court is of the opinion that the application should be GRANTED.

This Court finds that DSE has demonstrated through the evidence that immediate and irreparable injury, loss, or damage will result to DSE before the Defendants can be heard in opposition because the sale of Binder Science, LLC and all of its assets to a third party is threatened. Because giving the Defendants notice of the application for an injunction could result in an inability to provide any relief at all, an *ex parte* temporary restraining order provides the sole method of preserving a state of affairs in which the court can provide effective final relief. Therefore, this temporary restraining order is issued to preserve the *status quo* until DSE's application for preliminary injunction can be heard.

In order to obtain injunctive relief, DSE has shown: (1) a substantial likelihood of ultimate success on the merits; (2) an injunctive order is necessary to prevent irreparable injury; (3) the threatened injury outweighs the harm the injunctive order would inflict on the non-movant; and (4) the injunctive order would serve the public interest. Specifically, DSE has demonstrated that

Binder owes a debt to DSE for goods sold and delivered to Binder that is just, due, and unpaid in the amount of \$8,600,260.00 as of July 23, 2023, and will increase to \$8,885,060.00 on August 7, 2023. Defendants Binder Science, LLC and its sole owner/member, Thomas Hynan Wentzler are attempting to secret and/or dispose of company assets and/or sell the business to a third party to escape the debt owed to DSE. Defendants have met with at least one potential third-party buyer numerous times with urgency after Defendants were notified that DSE intended to file, and later did file, suit. Defendants are believed to have entered into an exclusive interest agreement; a Letter of Intent to purchase Binder via a cash sale for millions of dollars, with payment to Wentzler personally is believed to have been issued; and the deal is expected to close during the week of July 31, 2023. Accordingly, there exists the likelihood of imminent and irreparable harm to DSE if Defendants are not enjoined from such conduct.

Should DSE's allegations prove true after a trial of the merits of this cause, the failure to prevent the imminent harm set forth herein would effectively nullify any adequate legal and/or equitable relief that could be afforded at trial. Accordingly, the Court GRANTS DSE's application for temporary restraining order. Wherefore,

IT IS ORDERED, ADJUDGED AND DECREED that Defendants, together with any persons acting in concert or participation with him who receives actual notice of this order by personal service or otherwise, are Ordered and restrained from assigning, transferring, selling, purchasing, acquiring, and/or disposing in any manner whatsoever any rights, title, or interest in Binder Science, LLC and/or the business of Binder Science, LLC and/or any of its assets.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants be given notice of and appear at the hearing on DSE's application for temporary injunction before the Honorable Judge Presiding in the United States District Court for the Southern District of Texas,

Houston Division, on the 14 day of August, 2023, at 1:30 o'clock p.m. to show cause, if any, why a temporary injunction should not be issued as requested.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff execute and file with the Clerk a bond in the amount of \$ 500.00.

~~On the filing of the required bond by Plaintiff, and upon approving the same according to law, the Clerk shall issue a writ of injunction in conformity with the law and the terms of this order.~~ DH

~~This order shall expire on the _____ day of _____ 2023, at 11:59 p.m.~~ DH

SIGNED on this, the 1 day of August, 2023, at 12:15 o'clock p.m. in Houston, Texas.



JUDGE PRESIDING